

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:13-CR-00134-RJC-DSC

USA

v.

CHAD LANDON BLUME

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ORDER

**THIS MATTER** is before the Court on the defendant's motion for a third continuance of the trial of this case, currently scheduled during the October 7, 2013 criminal trial term. (Doc. No. 14).

On April 25, 2013, the government filed a complaint alleging that the defendant possessed child pornography on a cell phone SD card and on his computer. (Doc. No. 1: Affidavit at 8-9). The grand jury subsequently indicted the defendant, (Doc. No. 7), and the case was set for trial during the June 2013 term, (Scheduling Order, May 30, 2013). At that time, the government was ordered to provide required discovery within ten days. (Discovery Order, May 30, 2013).

Counsel orally moved to continue the case at the June 2013 calendar call, and the Court re-set the trial during the August 2013 term. (Oral Order, June 3, 2013). Counsel filed a motion for a second continuance on July 18, 2013, stating that the government had provided some, but not all, discovery and that counsel had not reviewed available materials at the FBI. (Doc. No. 12: Motion at 1-2). The Court granted the motion and re-set the trial during the October 7, 2013, term. (Doc. No. 13: Order).

In the instant motion, counsel alleges that the government still has not provided “full discovery.” (Doc. No. 14 Motion at 2).<sup>1</sup> It is unclear from the motion whether the materials not yet provided are required to be produced prior to trial according to Fed. R. Crim. P. 16 and the Court’s Discovery Order, or whether they are materials counsel would prefer to have prior to trial, such as prior statements of witnesses subject to 18 U.S.C. § 3500. In particular, counsel states the case agent has not completed his forensic examination of the computer and cell phone which were the subject of the complaint filed five months ago. (Id.). It would be troubling to the Court if information required to be disclosed has not been provided during so great a delay from the arraignment on May 30, 2013.

**IT IS, THEREFORE, ORDERED** that on or before September 27, 2013, the government shall file a response to the defendant’s motion, including the allegation that he has not received “full discovery.” The government shall specifically address whether all information required to be disclosed has been provided to the defendant, and, if not, why not and the expected schedule for its provision. If an evidentiary hearing is necessary to resolve the motion to continue, the parties will be notified by separate order.

Signed: September 25, 2013



Robert J. Conrad, Jr.  
United States District Judge



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<sup>1</sup> Counsel has also filed a supplemental motion stating that one of the defendant’s attorneys has a trial before another judge later in October that will make preparing for this trial difficult. (Doc. No. 15: Supplemental Motion at 1). The Court notes that this case was scheduled well in advance of the other matter and the expected dates for trial do not overlap.